

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

KENNETH FITCH and
ESTATE OF DIANNE L. FITCH

Plaintiffs,

v.

FEDERAL HOUSING FINANCE
AGENCY, FEDERAL NATIONAL
MORTGAGE ASSOCIATION,
WELLS FARGO BANK, N.A.,
HARMON LAW OFFICES, P.C., and
266 PUTNAM AVENUE, LLC

Defendants.

Civil Action No. 1:18-cv-00214

**DECLARATION OF ZACHARY W. BERK, ESQ. IN SUPPORT OF DEFENDANT 266
PUTNAM AVENUE, LLC'S MOTION TO DISMISS FOR FAILURE TO JOIN A
NECESSARY PARTY OR, ALTERNATIVELY, FOR FAILURE TO PROSECUTE**

I, Zachary W. Berk, hereby declare and state as follows:

1. I am a partner at the law firm Saul Ewing Arnstein & Lehr LLP. I represent defendant 266 Putnam Avenue, LLC ("Putnam") in this case. I am submitting this Declaration in connection with the Defendant 266 Putnam Avenue, LLC's Motion to Dismiss for Failure to Join a Necessary Party or, Alternatively, for Failure to Prosecute. This declaration is made based on my personal knowledge.

2. Attached hereto as Exhibit A is a true and accurate copy of an email received from Plaintiffs' counsel on February 21, 2019, regarding the status of Plaintiffs' filing of an amended complaint in this case.

3. Attached hereto as Exhibit B is a true and accurate copy of an eviction complaint filed by Putnam against Mr. Fitch dated October 20, 2017.

Signed under the penalties of perjury this 8th day of November, 2019.

/s/ Zachary W. Berk
Zachary W. Berk